

ORIGINAL

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.**

In the Matter of )

Amendment of Section 73.606 )

Table of Allotments, )

Television Broadcast Stations )

(Atlanta, Georgia) )

DOCKET FILE COPY ORIGINAL

**JOINT PETITION FOR ISSUANCE OF NOTICE OF  
PROPOSED RULE MAKING TO EXCHANGE CHANNELS**

Bechtel & Cole  
1901 L Street, N.W.  
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Washington, DC 20036

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and

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Suite 600  
Washington, D.C. 20036

George Shapiro  
Counsel for VSC Communications Inc.

June 28, 1996

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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**JOINT PETITION FOR ISSUANCE OF NOTICE OF  
PROPOSED RULE MAKING TO EXCHANGE CHANNELS**

Community Television Inc. (Community Television), permittee of noncommercial television station WATC(TV), Channel \*57, Atlanta, Georgia, and VSC Communications Inc. (Viacom),<sup>1</sup> licensee of commercial television station WUPA(TV), Channel 69, Atlanta, Georgia, jointly file this petition for rule making. By this petition, Community Television and Viacom seek to exchange their channels and, pursuant to Section 1.420(h) of the Commission's Rules, request that the Commission initiate a rule making to amend the Table of Allotments by allotting Channel 57 to Atlanta as a substitute commercial channel for Channel 69 and by allotting Channel \*69 to Atlanta as a noncommercial educational substitute for Channel \*57.

**The proposal**

In conjunction with the request for the channel exchange, Community Television and Viacom each request modification of their authorizations. Specifically, and contingent upon

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<sup>1</sup>VSC Communications Inc. is wholly owned by Viacom International Inc., which, in turn, is wholly owned by Viacom Inc. For ease of reference, VSC Communications Inc. shall be referred to as "Viacom."

Commission approval of the channel exchange, Community Television seeks to modify the permit of WATC(TV) to specify operation of newly reserved Channel \*69 from the transmitter site and with the technical facilities currently authorized to Viacom's WUPA(TV) on Channel 69. See Exhibit 3, Community Television Form 340. Viacom, in turn, seeks to modify the license of WUPA(TV) to specify operation of newly dereserved Channel 57 from a new site, two blocks from its current location, and with new transmission facilities. See Exhibit 2, Viacom Form 301. Because the channel exchange will not be effectuated by the parties without these modifications, Community Television and Viacom request that the Commission expressly consider in the channel exchange rule making proceeding the specific modifications contained in their separate modification applications simultaneously filed with this petition.<sup>2</sup>

Under the terms of a letter agreement between the parties, and in consideration for the channel exchange, Viacom has agreed to assign to Community Television title to its Channel 69 transmission facilities and its transmission site lease agreement. As additional consideration, Viacom has agreed to pay to Community Television an as yet undetermined sum of cash, and has already paid \$20,000 to the noncommercial permittee as partial down payment thereof.

### **Governing rules and policy**

Section 1.420(h) permits a licensee or permittee of a noncommercial television station and a licensee or permittee of a commercial television station to jointly petition for rule making to amend the Television Table of Allotments in order to exchange channels. After a notice-and-

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<sup>2</sup> The Commission has in the past expressly considered in a channel exchange rule making proceeding a proposed authorization modification. See Amendment of Section 73.606(b) (Clermont and Cocoa, Florida), 4 FCC Rcd 8320, 8323 (Allocations Branch 1989), recom. denied, 5 FCC Rcd 6566 (1990), aff'd sub nom. Rainbow Broadcasting Co. v. FCC, 949 F.2d 405 (D.C. Cir. 1991). However, the proposed modification in that case involved a transmission site that implicated Section 73.685(a), the rule requiring city-grade signal coverage of the entire community of license of a television station. In contrast, the modifications sought by Community Television and Viacom necessitate no alternative technical studies or waivers. Indeed, Community Television seeks only to move to Viacom's authorized facility and Viacom seeks a nearby transmitter site and facilities which would be in full compliance with the Commission's technical rules. To facilitate the channel exchange process, including the proposed facilities modifications, on this date Viacom filed a Form 301 modification application and Community Television filed a Form 340 modification application (for noncommercial broadcast stations). Copies of these applications are attached as Exhibits 2 and 3.

comment period and upon approval of the requested exchange, the Commission amends the Table by reserving for noncommercial educational use the channel to be acquired by the noncommercial licensee or permittee and by dereserving the channel to be acquired by the commercial licensee or permittee. Under Section 1.420(h), noncommercial/commercial channel exchange proposals (1) must involve intraband channel changes, that is, either VHF channels or UHF channels, (2) must involve stations which serve "substantially the same market," and (3) must promote the public interest, convenience and necessity. See 47 C.F.R. §1.420(h). In addition, the noncommercial television station requesting approval of a proposed exchange is required to assure the Commission, in the course of the rule making proceeding, that any consideration flowing to the noncommercial station as a result of the exchange will be devoted to activities related to the operation of the noncommercial educational television station. See Intraband Television Channel Exchanges, 59 RR 2d 1455, 1464 (1986), recon. denied, 3 FCC Rcd 2517 (1988).

#### **Compliance with Commission rules and policies**

The channel exchange proposed by Community Television and Viacom is consistent with Section 1.420(h), as well as Commission policy relating to noncommercial/commercial television channel exchanges. First, the proposal involves two UHF channels, Community Television's Channel \*57 and Viacom's Channel 69. Thus, the proposed channel exchange will be an intraband channel change, as required under the rule.

Second, both Community Television's WATC(TV) and Viacom's WUPA(TV) are designated to Atlanta, the same community of license. The two stations, therefore, serve "substantially the same market." Moreover, as required under Intraband Television Channel Exchanges, 59 RR 2d at 1464a, the community of license of each station will remain the same after the exchange has taken place. That is, both WATC(TV) and WUPA(TV) will continue to be licensed to Atlanta.

Third, the public interest benefits generated by the channel exchange proposal are numerous. Indeed, not only will the proposal enhance the overall noncommercial service offered by Community Television, operating from Channel \*69, but it will also significantly augment the commercial service offered by Viacom, from UPN network-affiliated Channel 57, enabling a substantial number of viewers to receive both WUPA(TV) and UPN network programming over the air for the first time.

The most significant benefit of the exchange will be the assured initiation of service by a second noncommercial television licensed to Atlanta. Since 1986, when the construction permit for Channel \*57 was issued, the noncommercial station has remained non-operational. In 1993, Community Television acquired the permit for the unbuilt station, but was unable to complete construction at the previous permittee's site due to site unsuitability. Consequently, Community Television was required to find an alternate site and it did so, but on Sweat Mountain, approximately 30 miles north of Atlanta. See FCC File No. BMPET-950207KE.

Upon Commission approval of the various modifications and construction of Viacom's new Channel 57 facilities, therefore, the Community Television/Viacom channel exchange proposal will enable Community Television to simply occupy the current Viacom facilities and immediately commence operation of its noncommercial service to Atlanta from a site in downtown Atlanta. With the more central transmitter site and increased power on the Channel \*69 facility, Community Television will reach 43 percent of the Atlanta DMA, five percent more than is possible as WATC(TV) is currently authorized. Thus, as was true in Amendment of Section 73.606(b)(Clermont and Cocoa, Florida), 4 FCC Rcd at 8321, in which the Commission approved the requesting parties' exchange proposal, the Community Television/Viacom exchange will permit a "vast expansion" of the noncommercial educational television service "that might not otherwise be implemented."

Further, upon Commission approval of the channel exchange, noncommercial station WATC(TV), operating on Channel \*69 from the site and with the facilities currently used by

WUPA(TV) in its Channel 69 operation, will serve a geographic area 52 percent larger and a population 12 percent greater than it is predicted to serve with its present authorization. From its authorized, but as-yet unbuilt facility, Community Television is predicted to provide a Grade B signal encompassing 12,224 square kilometers and reaching 2,721,437 persons. The proposed channel exchange would enable Community Television to move right into a fully constructed and operational facility whose Grade B signal encompasses 18,585 square kilometers and serves 3,049,080 persons. Thus, 343,393 additional persons would be able to receive a Grade B signal from the modified WATC(TV) facility than could do so with the currently authorized WATC(TV) facility. Although 15,750 persons in an area about 85 kilometers north of Atlanta would lose WATC(TV) service with the proposed exchange, that loss is theoretical in that WATC(TV) has not as yet commenced operation. Nevertheless, the "loss" would be more than offset by the extensive "gain" area to the east, south and west of Atlanta, resulting in a net gain of 327,643 persons. It should also be noted that of the 15,750 persons losing WATC(TV), none would lose their only noncommercial television service in that they are now served by the Grade B signal of at least one or two other noncommercial stations.

Moreover, while no area or person will receive a first or second Grade B noncommercial television broadcast service as a result of the proposed channel exchange, Community Television's enhanced Grade B signal will provide a third noncommercial service to 124,300 viewers.<sup>3</sup> Given that it is Community Television's present intention to provide prime-time locally produced informational programming, as well as foreign language, religious and educational programming, an enhanced WATC(TV) signal will not be duplicative of other noncommercial services. Rather WATC(TV) will serve as a source of diversity with respect to noncommercial television programming fare.

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<sup>3</sup> The number of persons who would lose WATC(TV) as a second or third noncommercial service, therefore, is much smaller than the number of persons who would gain WATC(TV) as a third noncommercial educational service.

Finally, with respect to the public interest benefits linked to noncommercial television station WATC(TV), the consideration flowing to its permittee Community Television from the channel exchange, that is, the donation of Viacom's existing licensed facilities plus a sum of cash, will permit Community Television to initiate its noncommercial service and to serve more Atlanta-market viewers than it would otherwise would have been able to reach. These public interest benefits are precisely the objectives envisioned by the Commission when it adopted the channel-exchange procedure: "Noncommercial educational stations in particular may receive consideration for such exchanges that permit them to improve the quality of their facilities or even, in marginal cases, to initiate broadcast operations where it would otherwise not be possible." Intraband Television Channel Exchanges, 59 RR 2d at 1461. And, as required under the channel exchange policy, Community Television assures the Commission that it will devote all proceeds from the proposed exchange for the commencement and operation of its noncommercial television broadcast service with Viacom's existing licensed facility and for the acquisition and/or production of programming

As for the public interest benefits emanating from the channel exchange with respect to the commercial UHF station involved, Viacom's WUPA(TV), operating from its proposed new site and with its new transmission facilities on Channel 57, will provide a Grade B signal encompassing 23,805 square kilometers and serving 3,225,098 persons.<sup>4</sup> The proposed WUPA(TV) Grade B signal, therefore, will reach an additional 176,018 persons with no concomitant loss of service to any person currently receiving WUPA(TV) over the air.

The increased geographic Grade B coverage of WUPA(TV) will include 45 percent of the Atlanta DMA, two percent more than included now, thereby enabling the UHF commercial television service to better compete in the market. The Commission has expressly recognized that intraband channel exchanges are desirable not only because they may enhance the noncommercial station, but because they may also benefit the commercial station "in terms of more appropriate

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<sup>4</sup> Viacom has reasonable assurance for its new transmitter site. See Exhibit 2, Viacom Form 301 at Section VII.

site or service area location and through cost savings or financial advantages." Intraband Television Channel Exchanges, 59 RR 2d at 1461. "In all these instances," the Commission has concluded, "the public could ultimately benefit from either new or improved commercial and noncommercial service." See also Amendment of Section 73.606(b)(Clermont and Cocoa, Florida), 4 FCC Rcd at 8321 (citing the increased service by the commercial station as an additional public interest factor).

The augmented service of the commercial station resulting from the proposed exchange is particularly significant with respect to the Community Television/Viacom proposal due to WUPA(TV)'s affiliation with UPN, an emerging broadcast television network. Station WUPA(TV) is the only UPN network affiliate located in the Atlanta DMA. And, of the 176,018 persons scheduled to gain WUPA(TV) service after the exchange, almost all will be receiving their first UPN programming service over the air. Thus, not only will WUPA(TV), as modified, be in a better competitive position in the Atlanta DMA, thereby promoting economic competition, but it will also provide diverse programming to those persons able to view WUPA(TV) and UPN network programming over the air for the first time. Competition and diversity are bedrock principles in the Commission's public interest determinations and the proposal here promotes those objectives.

## **Conclusion**

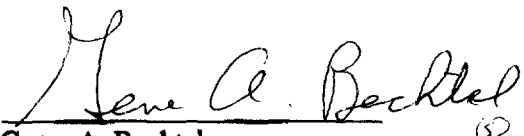
The channel exchange proposed by Community Television and Viacom complies in all respects with Section 1.420(h) and Intraband Television Channel Exchange, the Commission's policy underlying that rule. If approved, the exchange and the related technical modifications sought by the parties would result in a more competitive and diverse Atlanta market by initiating



WATC(TV)'s noncommercial television service and by enhancing WUPA(TV)'s commercial television service.

Respectfully submitted,

COMMUNITY TELEVISION INC.

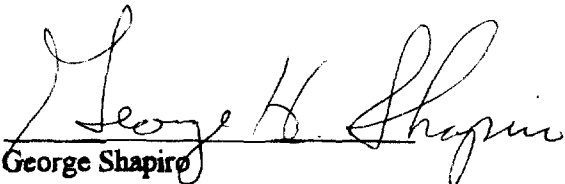
By:   
Gene A. Bechtel

Its Attorney

Bechtel & Cole  
1901 L Street, N.W.  
Suite 250  
Washington, DC 20036

and

VSC COMMUNICATIONS INC.

By:   
George Shapiro

Its Attorney

Arent, Fox, Kintner, Plotkin & Kahn  
1050 Connecticut Avenue, N.W.  
Suite 600  
Washington, D.C. 20036

Exhibit 1

## Proposed Channel Swap • Atlanta, Georgia

### Statement of William F. Hammett, Consulting Engineer

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by VSC Communications Inc., licensee of TV Station WUPA, Channel 69, Atlanta, Georgia, to evaluate the coverage improvements to be realized by its proposed channel swap with non-commercial educational TV Station WATC, Channel 57, Atlanta.

### Background

TV Station WUPA currently operates (FCC File No. BLCT-810902KF) on Channel 69 with 2,630 kW peak visual effective radiated power from a site atop the Peachtree Plaza Hotel, 210 Peachtree Street, N.E., in Atlanta, providing an effective antenna height of 299 meters above average terrain.

TV Station WATC is currently permitted (FCC File No. BMPET-950207KE) for operation on Channel 57 with 1,740 kW peak visual effective radiated power with a directional antenna at an effective height of 319 meters above average terrain at a site atop Sweat Mountain, about 30 kilometers north of Atlanta.

### Proposed Swap

The proposed swap of channels between WUPA and WATC has three integrated elements:

- 1) WUPA is assigned Channel 57 and WATC is assigned Channel 69
- 2) WATC receives the existing WUPA Channel 69 transmitting facilities in downtown Atlanta
- 3) WUPA constructs new Channel 57 transmitting facilities near its exiting Channel 69 site.

### Improved Coverage

The visual service provided by both WATC and WUPA would be increased by the proposed swap. The coverage contours have been calculated in accordance with FCC Rules. Figure 1 attached shows the improvement for WATC by comparing the F(50,50) Grade B contours for the permitted and proposed operations. The area and population comparison is as follows:

	Grade B Area & Population*	
Permitted WATC	12,224 sq. km	2,721,437 persons (38% of Atlanta DMA)
Proposed WATC	18,585	3,049,080 (43%)
	+52%	+12%

\* Based on those Census Blocks from 1990 U.S. Census whose centroids lie within the Grade B contour.



## Proposed Channel Swap • Atlanta, Georgia

As shown in Figure 1, there is an area about 85 kilometers north of Atlanta that the expanded WATC contour will not cover. That "loss" area is more than offset by the extensive "gain" area to the east, south, and west of Atlanta, as follows:

Grade B Area "lost"	945 sq. km	15,750 persons (1990 Census)
Grade B Area "gained"	7,306	343,393

Figure 2 attached shows the improvement to be realized by WUPA, with the area and population comparison as follows:

	Grade B Area & Population*	
Authorized WUPA	18,585 sq. km	3,049,080 persons (43% of Atlanta DMA)
Proposed WUPA	23,805	3,225,098 (45%)
	+28%	+6%

### Non-Commercial Services

WATC is not now operating but, even if it were, there are no persons for whom WATC would be their only non-commercial educational visual service, on the basis of the calculated Grade B contours from non-commercial educational TV stations in nearby areas. Specifically, the entire "loss" area shown on Figure 1 is within the Grade B contour of non-commercial educational Station WCLP, Channel 18, Chatsworth, Georgia. The following other non-commercial stations also cover part or all of the areas within the existing or proposed WATC Grade B contours:

<u>Call Sign</u>	<u>Channel</u>	<u>City of License</u>
WPBA	30	Atlanta, Georgia
WGTV	8	Athens, Georgia
WCIQ	7	Mount Cheaha, Alabama
WJSP-TV	28	Columbus, Georgia

When the Grade B contours of these stations are projected and examined together, there are no persons with only one non-commercial visual service. Of those persons with only two such services, the number who would lose WATC is much smaller than the number who would gain WATC as a third service:

Loss of one of two non-commercial services	22 sq. km	514 persons (1990 Census)
Addition of a third non-commercial service	2,187	124,300

\* Based on those Census Blocks from 1990 U.S. Census whose centroids lie within the Grade B contour.



## Proposed Channel Swap • Atlanta, Georgia

### Conclusion

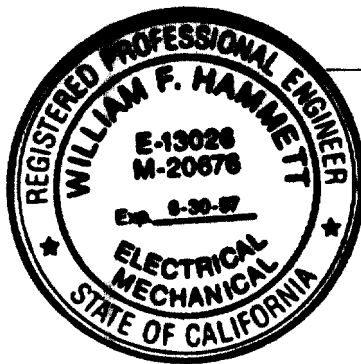
As shown above, both WATC and WUPA would expand their service of Atlanta, Georgia, to which they are allocated, and the surrounding areas by the proposed channel swap, facilities transfer, and construction. The relocation of WATC into downtown Atlanta from its permitted site to the north provides a significant improvement in service. Since WATC does not have existing transmitting facilities, its acquisition of the present WUPA transmitting facilities represents a particular benefit.

### List of Figures

In carrying out these engineering studies, the following attached figures were prepared under my direct supervision:

1. Map showing improvement for WATC
2. Map showing improvement for WUPA.

June 28, 1996



A handwritten signature in black ink, reading "William F. Hammett".

William F. Hammett, P.E.



## Affidavit

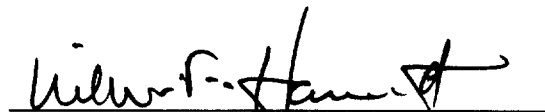
State of California

ss:

County of Sonoma

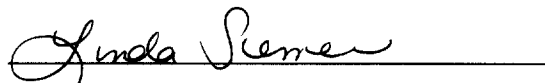
William F. Hammett, being first duly sworn upon oath, deposes and says:

1. That he is a qualified Registered Professional Engineer, holds California Registrations Nos. E-013026 and M-020676 which expire on June 30, 1997, and is a principal in the firm of Hammett & Edison, Inc., Consulting Engineers, with offices located near the city of San Francisco, California,
2. That he graduated from Dartmouth College with a degree in Engineering Sciences in 1977 and from the University of Illinois with a degree of Master of Science in 1978, has completed two years of employment by the Standard Oil Company and five years by Dean Witter Reynolds in various engineering, computer, and management capacities, and has been associated with the firm of Hammett & Edison, Inc., since 1985,
3. That the firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by VSC Communications Inc., licensee of TV Station WUPA, Channel 69, Atlanta, Georgia, to evaluate the coverage improvements to be realized by its proposed channel swap with non-commercial educational TV Station WATC, Channel 57, Atlanta,
4. That such engineering work has been carried out by him or under his direction and that the results thereof are attached hereto and form a part of this affidavit, and
5. That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge except such statements made therein on information and belief and, as to such statements, he believes them to be true.

  
William F. Hammett, P.E.

Subscribed and sworn to before me this 28th day of June, 1996





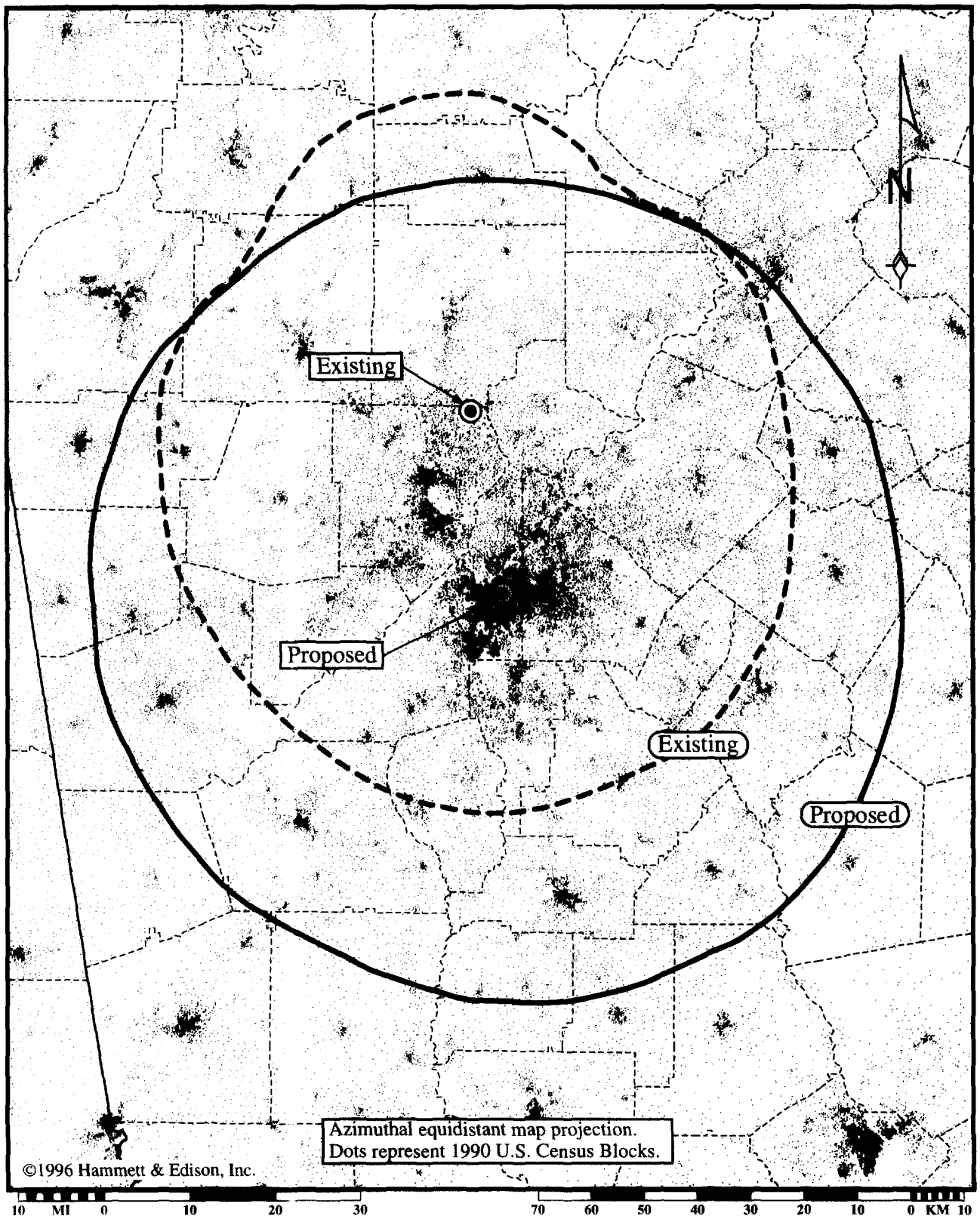


**HAMMETT & EDISON, INC.**  
CONSULTING ENGINEERS  
SAN FRANCISCO

960628  
Affidavit

# Proposed Channel Swap • Atlanta, Georgia

## Grade B Contours TV Station WATC

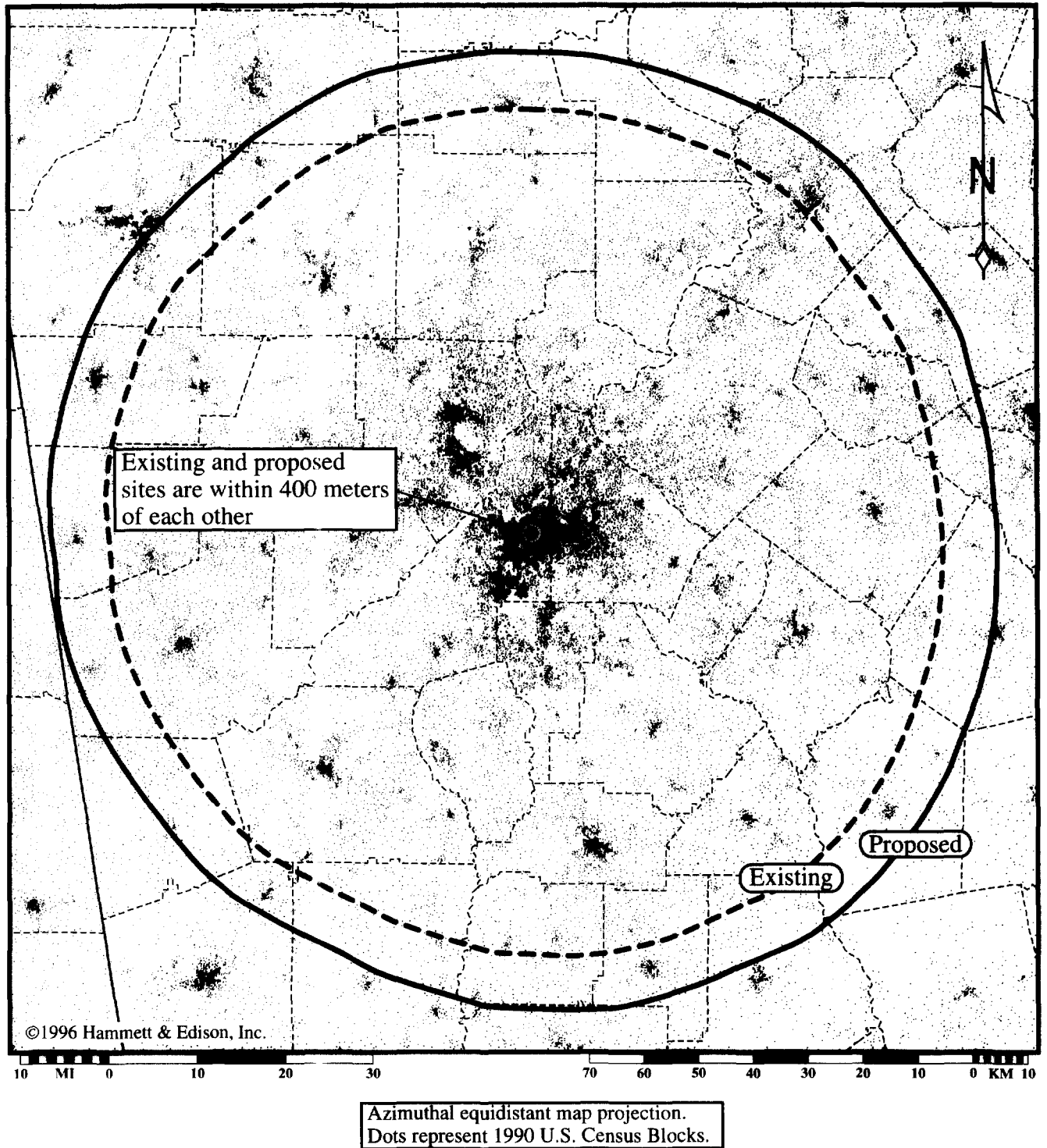


**HAMMETT & EDISON, INC.**  
CONSULTING ENGINEERS  
SAN FRANCISCO

960628  
Figure 1

# Proposed Channel Swap • Atlanta, Georgia

## Grade B Contours TV Station WUPA



**HAMMETT & EDISON, INC.**  
CONSULTING ENGINEERS  
SAN FRANCISCO

960628  
Figure 2



**EXHIBIT 2**

**Edward N. Schor**  
Vice President  
Associate General Counsel/Regulatory  
  
212 258 6121

**VIACOM**

**June 28, 1996**

**William F. Caton**  
Acting Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Caton:

Attached is an FCC Form 301 application for modification of license of commercial television station WUPA(TV), Channel 69, Atlanta, Georgia. The licensee of WUPA(TV) is VSC Communications Inc. (Viacom), indirectly wholly owned by Viacom Inc. The modification application is contingent upon Commission approval of a channel exchange between WUPA(TV) and noncommercial television station WATC(TV), Channel \*57, Atlanta, Georgia. Community Television Inc. (Community Television) is the permittee of WATC(TV) and is this date filing under separate cover a Form 340 application for modification of its noncommercial facility.

In connection with the channel exchange, both Viacom and Community Television are also filing this date a joint petition for rule making pursuant to Section 1.420(h) of the Commission's Rules, 47 C.F.R. §1.420(h). (A copy of the petition is attached for ease of reference.) The petition requests that the Commission amend the Television Table of Allotments so that noncommercial Channel \*57 is designated as a commercial channel and commercial Channel 69 is designated as a noncommercial channel. Viacom and Community Television base their joint request upon modifications to their existing authorizations as contained in their separate modification applications mentioned above. Specifically, Community Television seeks to ultimately operate on Channel \*69 at the site and with the facilities currently authorized to Viacom on Channel 69, while Viacom seeks to ultimately operate on Channel 57 at a new site with new facilities (as detailed in the attached Form 301 modification application).

In the past, the Commission has expressly considered in the channel exchange rule making proceeding the license and/or permit modifications sought by the parties. See e.g., Amendment of Section 73.606(b) (Clermont and Cocoa, Florida), 4 FCC Rcd 8320, 8323 (Allocations Branch 1989), recon. denied, 5 FCC Rcd 6566 (1990), aff'd sub nom. Rainbow Broadcasting Co. v. FCC, 949 F.2d 405 (D.C. Cir. 1991). After a notice and comment period pertaining to the channel exchange proposal and related modifications, the Commission, if it finds the overall proposal to be in the public interest, issues a Report and Order which, inter alia, modifies the existing license or permit of each party, pursuant to Section 316 of the Communications Act, by specifying the channel change. Such license and/or permit changes ordered by the Commission in the Report and Order are made subject to each party filing, within 90 days, minor change applications specifying "the new facilities," presumably site and technical changes apart from the channel change. See id.

Viacom and Community Television request that their modifications be considered in conjunction with their joint request for channel exchange in the rule making proceeding. In order to provide the Commission with the full technical details of the ultimate facilities sought by each party in connection with the channel exchange request, Viacom and Community Television are filing their separate modification applications simultaneously with their joint request in lieu of filing them subsequent to a Report and Order. Accordingly, in the Form 301 application attached, Viacom is requesting, contingent upon Commission approval of the exchange in the rule making proceeding, that its license (which will then already have been modified to specify operation on Channel 57), be additionally modified to specify operation from the new transmitter site and with the facilities detailed in its attached application. And in the Form 340 application, filed separately this day, Community Television is requesting, also contingent upon Commission approval of the exchange, that its permit (which will then already have been modified to specify operation on Channel \*69), be additionally modified to specify operation from the transmitter site and with the facility currently used by Viacom for its operation on Channel 69.

In light of the pendency of Viacom's and Community Television's joint petition for a channel exchange, the modification applications filed by the parties will facilitate the rule making proceeding provided for under Section 1.420(h) by submitting to the Commission all technical and other information needed to render a public interest determination. Acceptance of the modification applications, therefore, will assist the Commission in the channel exchange proceeding, resulting in a more efficient process and expeditious enhanced noncommercial service, as well as UHF commercial service, to Atlanta viewers.

A check for \$650 payable to the Federal Communications Commission to cover the filing fee for this application has been submitted. The fee information is included on page 1 of the Form 301 application.

Very truly yours,



Approved by OMB  
3050-0027  
Expires 6/30/95

FCC 301

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

FOR  
FCC  
USE  
ONLY

APPLICATION FOR CONSTRUCTION PERMIT  
FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY

FILE NO.

Section 1 - GENERAL INFORMATION

1. APPLICANT NAME

VSC Communications Inc.

MAILING ADDRESS (Line 1) (Maximum 35 characters)

1515 Broadway

MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)

CITY

New York

STATE OR COUNTRY (If foreign address)

NY

ZIP CODE

10036

TELEPHONE NUMBER (Include area code)

212-846-7965

CALL LETTERS

WUPA (TV)

OTHER FCC IDENTIFIER (IF APPLICABLE)

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1 - GENERAL INFORMATION B.

2. A. Is a fee submitted with this application?

☒ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) and go to Question 3.

☐ Governmental Entity

☐ Noncommercial educational licensee

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A)	(B)	(C)	FOR FCC USE ONLY							
FEE TYPE CODE	FEE MULTIPLE (If required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)								
(1) <table border="1"><tr><td>M</td><td>P</td><td>T</td></tr></table>	M	P	T	<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	\$650.00	
M	P	T								
0	0	0	1							

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)	FOR FCC USE ONLY							
(2) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	\$	
0	0	0	1							

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED  
WITH THIS APPLICATION

\$ 650.00

FOR FCC USE ONLY

3. This application is for: (check one box)

☐ AM

☐ FM

☒ TV

(b) Channel No. or Frequency

Channel 69

(b) Principal  
Community

City

Atlanta

State

GA

FCC 301  
July 1993

(c) Check one of the following boxes:

- ☐ Application for NEW station
- ☐ MAJOR change in licensed facilities call sign: \_\_\_\_\_
- ☒ MINOR change\* in licensed facilities call sign: WUPA (TV)
- ☐ MAJOR modification of construction permit; call sign: \_\_\_\_\_
- File No. of construction permit: \_\_\_\_\_
- ☐ MINOR modification of construction permit; call sign: \_\_\_\_\_
- File No. of construction permit: \_\_\_\_\_
- ☐ AMENDMENT to pending application: Application file number: \_\_\_\_\_

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section 1 and those other portions of the form that contain the amended information.

4. Is this application mutually exclusive with a renewal application?

☐ Yes ☒ No

If Yes, state:

Call letters	Community of License	
	City	State

\* The minor modifications requested herein are contingent upon Commission approval of a channel exchange with WATC(TV), Channel \*57, Atlanta, pursuant to section 1.420(h). A joint request for rule making for the channel exchange has been filed simultaneously with this application.

# Section V-C - TV BROADCAST ENGINEERING DATA

## FOR COMMISSION USE ONLY

File No. \_\_\_\_\_

ASB Referral Date \_\_\_\_\_

Referred by \_\_\_\_\_

Name of Applicant

VSC Communications Inc.

Call letters (if issued)

WUPA

Purpose of Application (check appropriate box):

☐ Construct a new (main) facility

☐ Construct a new auxiliary facility

☐ Modify existing construction permit for main facility

☐ Modify existing construction permit for auxiliary facility

☒ Modify licensed main facility

☐ Modify licensed auxiliary facility

If purpose is to modify, indicate nature of change(s) by checking appropriate box(es), and specify the file number(s) of the authorization(s) affected:

☒ Antenna supporting-structure height

☒ Effective radiated power

☒ Antenna height above average terrain

☒ Frequency Channel change from 69 to 57

☒ Antenna location

☒ Antenna system

☐ Main Studio location

☐ Other (Summarize briefly)

File Number(s) BLCT-810902KF

### 1. Allocation:

Channel No.	Offset (check one)	Principal community to be served:			Zone (check one)
<u>57</u>	<input checked="" type="checkbox"/> Plus	City	County	State	<input type="checkbox"/> I
	<input type="checkbox"/> Minus	Atlanta	Fulton	GA	<input checked="" type="checkbox"/> II
	<input type="checkbox"/> Zero				<input type="checkbox"/> III

### 2. Exact location of antenna:

(a) Specify address, town or city, county and state. If no address, specify distance and bearing to the nearest landmark.

One Peachtree Center, 303 Peachtree Street NE, Atlanta, Fulton County, Georgiaia

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude and East Longitude where applicable; otherwise, North Latitude and West Longitude will be presumed.

Latitude	33	°	45	'	45	"	Longitude	84	°	23	'	14	"
----------	----	---	----	---	----	---	-----------	----	---	----	---	----	---

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☒ Yes ☐ No

If Yes, give call letter(s) or file number(s) or both.

ITFS and other non-broadcast services

If proposal involves a change in height of an existing structure, specify existing height above ground level, including antenna, all other appurtenances, and lighting, if any.

256 meters

SECTION V-C - TV BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?  
If Yes, list old coordinates.

☐ Yes ☒ No

Latitude	°	'	"	Longitude	°	'	"
----------	---	---	---	-----------	---	---	---

5. Has the FAA been notified of the proposed construction?

☒ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

FAA Study No. 94-ASO-1064-OE

Exhibit No.

Date \_\_\_\_\_ Office where filed \_\_\_\_\_

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

Landing Area	Distance (km)	Bearing (degrees True)
(a) See attached Engineering Exhibit		
(b)		

7. (a) Elevation: (to the nearest meter)

(1) of site above mean sea level; 312 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 313 meters

(3) of the top of supporting structure above mean sea level  $[(a)(1) + (a)(2)]$  625 meters

(b) Height of antenna radiation center: (to the nearest meter)

(1) above ground; 305 meters

(2) above mean sea level  $[(a)(1) + (b)(1)]$ ; and 617 meters

(3) above average terrain. 339 meters

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of TV radiator.

Exhibit No.

\*

9. Maximum visual effective radiated power 5,010 kW

\* See attached Engineering Exhibit.

## 10. Antenna:

(a) Manufacturer Dielectric (b) Model No. TFU-32E/V-R(S)

(c) Is a directional antenna proposed?

☐ Yes ☒ NoIf Yes, specify major lobe azimuth                      degrees True and attach as an Exhibit all data specified in 47 C.F.R. Section 73.686.

Exhibit No.

(d) Is electrical beam tilt proposed?

☒ Yes ☐ NoIf Yes, specify 0.6° degrees electrical beam tilt and attach as an Exhibit all data specified in 47 C.F.R. Section 73.686.

Exhibit No.

\*

(e) Is mechanical beam tilt proposed?

☐ Yes ☒ NoIf Yes, specify            degrees mechanical beam tilt toward azimuth            degrees True and attach as an Exhibit all data specified in 47 C.F.R. Section 73.686.

Exhibit No.

(f) The proposed antenna is: (check only one box)

☐ horizontally polarized ☐ circularly polarized ☒ elliptically polarized

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.686(a) and (b)?

☒ Yes ☐ No

If No, attach as an Exhibit justification therefor, including amounts and percentages of population and area that will not receive City Grade service.

Exhibit No.

12. Will the main studio be located within the station's predicted principal community contour as defined by 47 C.F.R. Section 73.686(a)?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.

13. Does the proposed facility satisfy the requirement of 47 C.F.R. Section 73.610?

☒ Yes ☐ No

If No, attach as an Exhibit justification therefor, including a summary of any previously granted waiver(s).

Exhibit No.

14. Are there: (a) within 80 meters of the proposed antenna, any proposed or authorized FM or TV transmitters; or (b) in the general vicinity, any nonbroadcast (except citizens band or amateur) radio stations or any established commercial or government receiving stations?

☒ Yes ☐ No

If Yes, attach as an Exhibit a description of the expected, undesired effects of operations and remedial steps to be pursued, if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by intermodulation) to facilities in existence or authorized prior to grant of this application. (See 47 C.F.R. Sections 73.685(d) and (g).)

Exhibit No.

\*

15. Attach as an Exhibit a topographic map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the provisions of 47 C.F.R. Section 73.684(g). The map must further display clearly and legibly the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.

\*



16. Attach as an Exhibit a map (Sectional Aeronautical Chart or equivalent) which shows clearly, legibly and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No. *
------------------

- (a) The proposed transmitter location, and the radials along which profile graphs have been prepared;  
 (b) The City Grade, Grade A and Grade B predicted contours; and  
 (c) The legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 259 sq. km.) and population (latest census) within the predicted Grade B contour.

Area 23,805 sq. km.

Population 3,225,098 (1990 U.S. Census data)

18. For an application involving an auxiliary facility only, attach as an Exhibit a map (Sectional Aeronautical Chart or equivalent) that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
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- (a) The proposed auxiliary Grade B contour; and  
 (b) The Grade B contour of the licensed main facility for which the applied-for facility will be the auxiliary.

(Main facility license file number \_\_\_\_\_)

19. Terrain and Coverage Data (To be calculated in accordance with 47 C.F.R. Section 73.684.)

Source of terrain data: (check only one box below)

☒ Linearly interpolated 30-second database (Source: \_\_\_\_\_)

☐ 7.5 minute topographic map

☐ Other (briefly summarize)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances		
		To the City Grade Contour (kilometers)	To the Grade A Contour (kilometers)	To the Grade B Contour (kilometers)
N				
0	341	57.8	67.3	87.3
45	336	57.5	67.0	86.7
90	319	56.6	65.8	84.9
135	355	58.6	68.3	88.7
180	332	57.3	66.7	86.3
225	330	57.2	66.6	86.1
270	350	58.3	67.9	88.2
315	347	58.2	67.7	87.9

\*Radial through principal community, if not one of the major radials. This radial should NOT be included in calculation of HAAT.